



APPLICATION ACCEPTED: August 22, 2014
BOARD OF ZONING APPEALS: November 19, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

November 12, 2014

STAFF REPORT

APPLICATION SP 2014-HM-183

HUNTER MILL DISTRICT

APPLICANT: Peter West

OWNERS: Peter M. West, Erin A. West

LOCATION: 1638 Irvin Street, Vienna 22182

SUBDIVISION: Ankerdale

PARCEL: 28-4 ((10)) 41

LOT SIZE: 21,781 square feet

ZONING: R-1

ZONING ORDINANCE PROVISION: 8-922

PROPOSAL: To permit a reduction in certain yard requirements to permit a detached accessory structure 10 ft. from the side lot line

STAFF RECOMMENDATIONS: Staff recommends approval of SP 2014-HM-183 for the reduction of certain yard requirements to permit the construction of a detached accessory structure, subject to the proposed conditions set forth in Appendix 1.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290. **Board of Zoning Appeals meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-HM-183

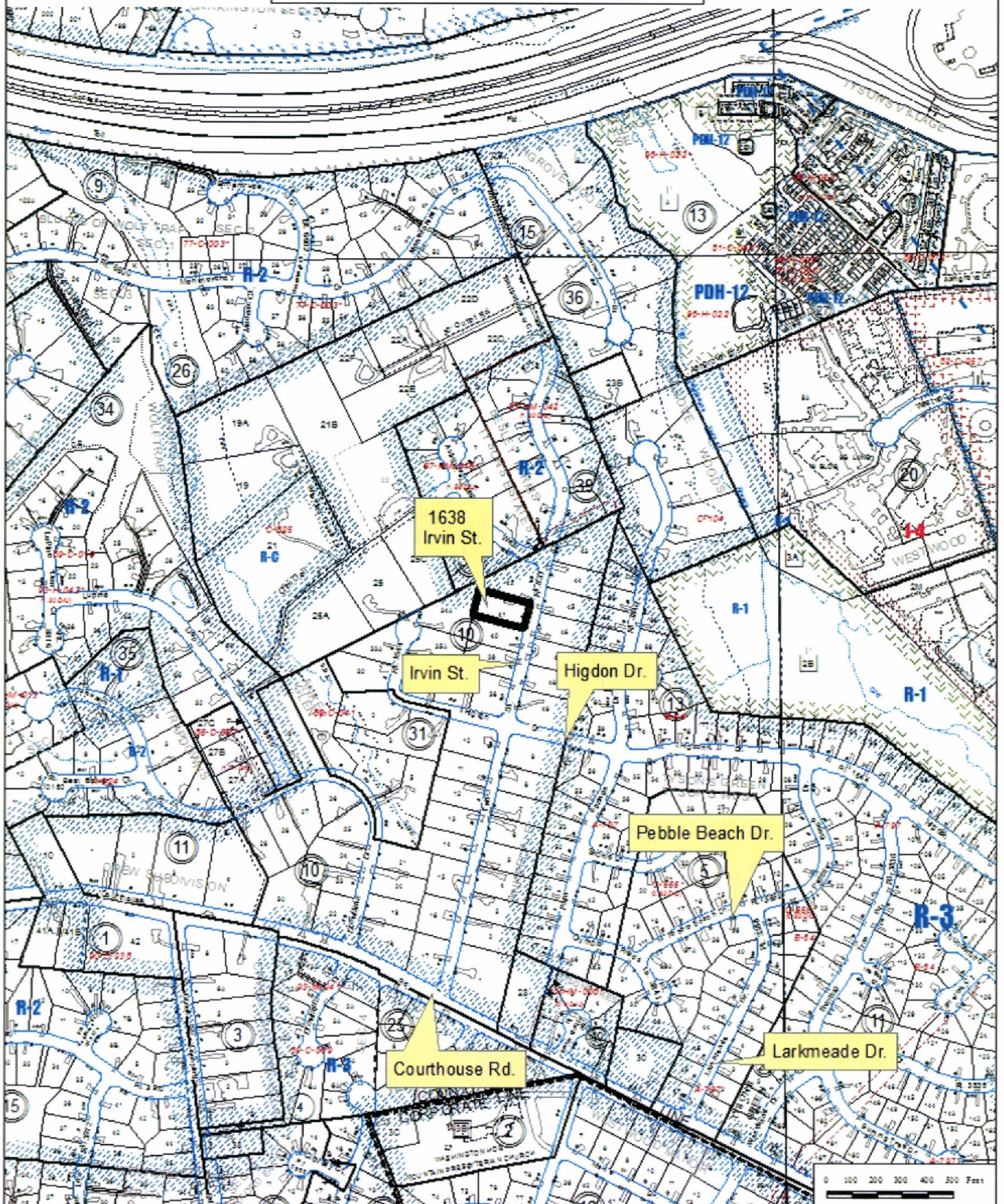
PETER WEST



Special Permit

SP 2014-HM-183

PETER WEST



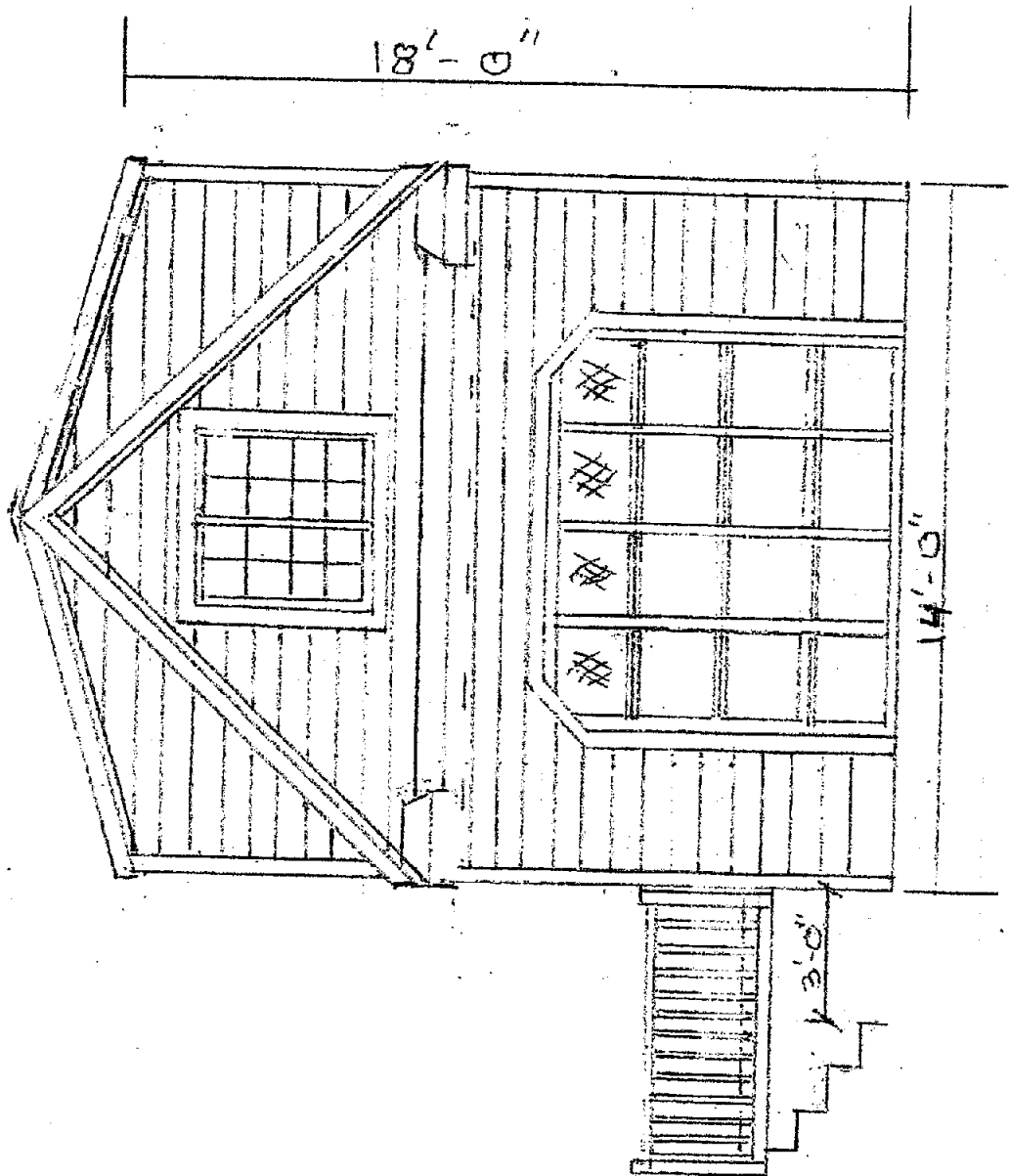
Zoning Evaluation Division

[illegible][illegible]

DATE OF LAST VISITATION	REASON	REMARKS	DATE OF NEXT VISITATION
1/20/71	1	1	1/20/72
2/10/71	2	2	2/10/72
3/10/71	3	3	3/10/72
4/10/71	4	4	4/10/72
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8/10/77	80	80	8/10/78
9/10/77	81	81	9/10/78
10/10/77	82	82	10/10/78

EXISTING HOUSE : 43,000 SF (41,900 SF FOOTPRINT)
PROPOSED GARAGE : 4530 SF (4,300 SF FIRST FLOOR, ±17% SF SECOND FLOOR)
PROPOSED AREA : 47,530 SF

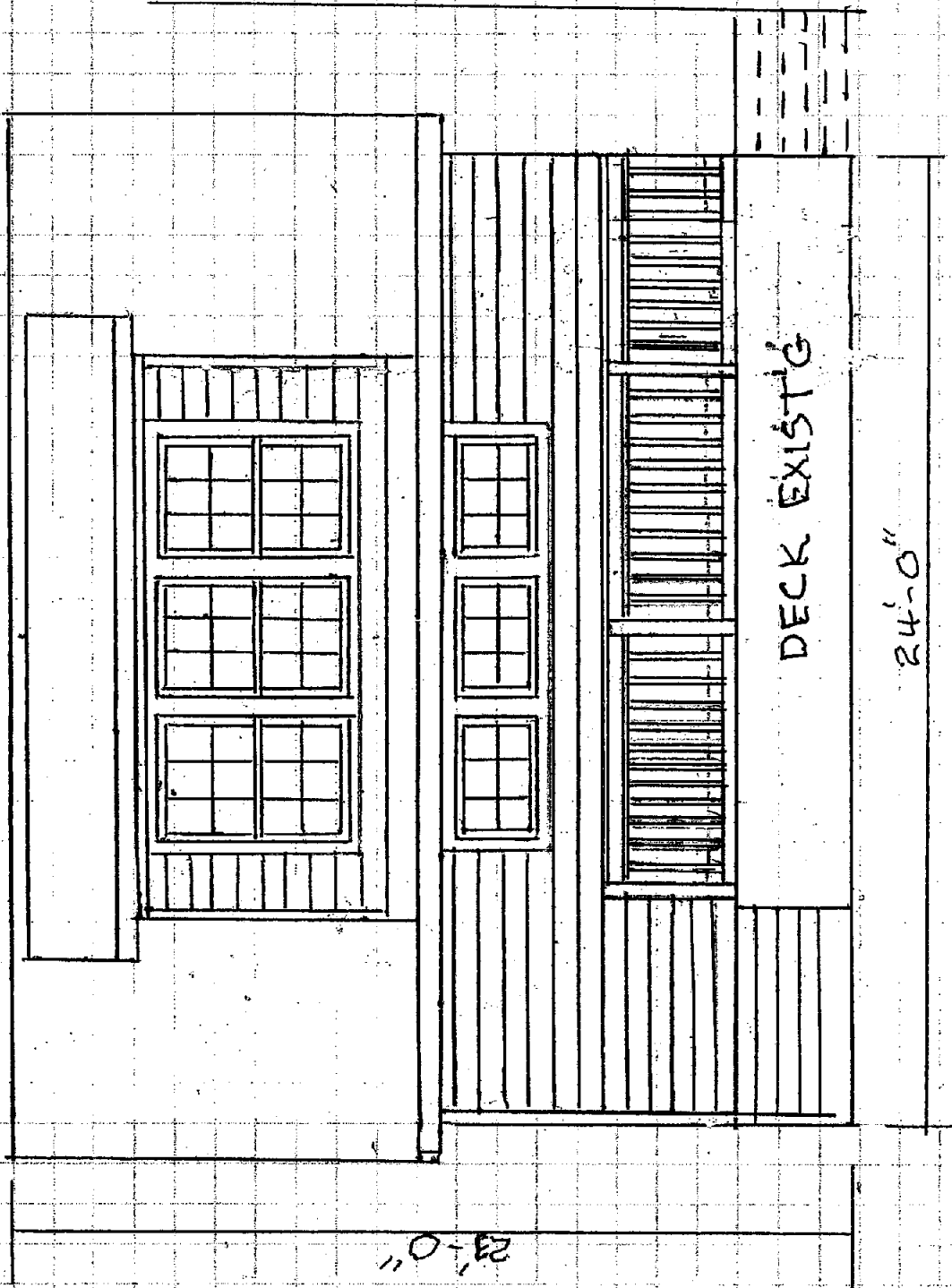




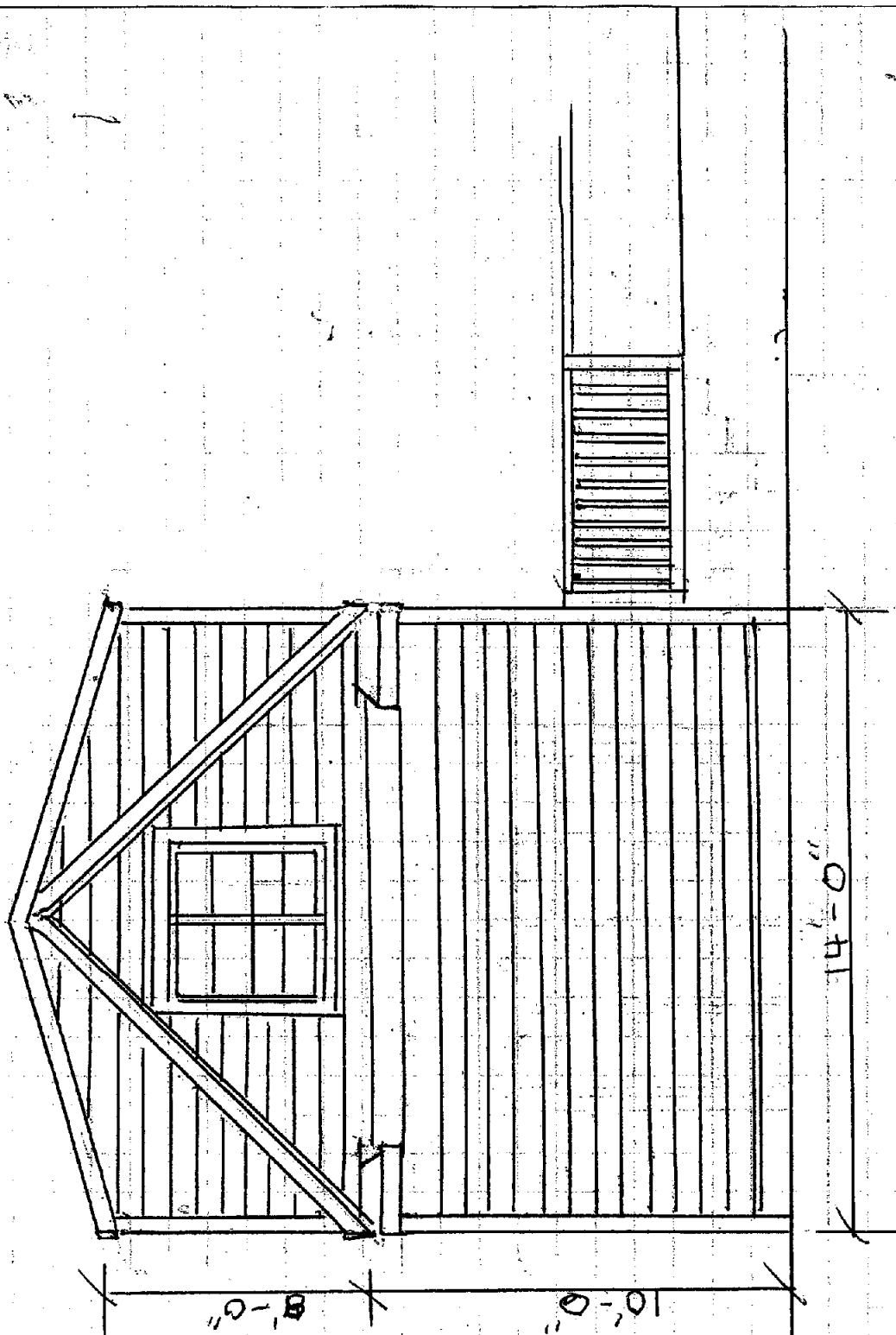
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Department of Planning & Zoning

AUG 13 2014

Zoning Evaluation Division



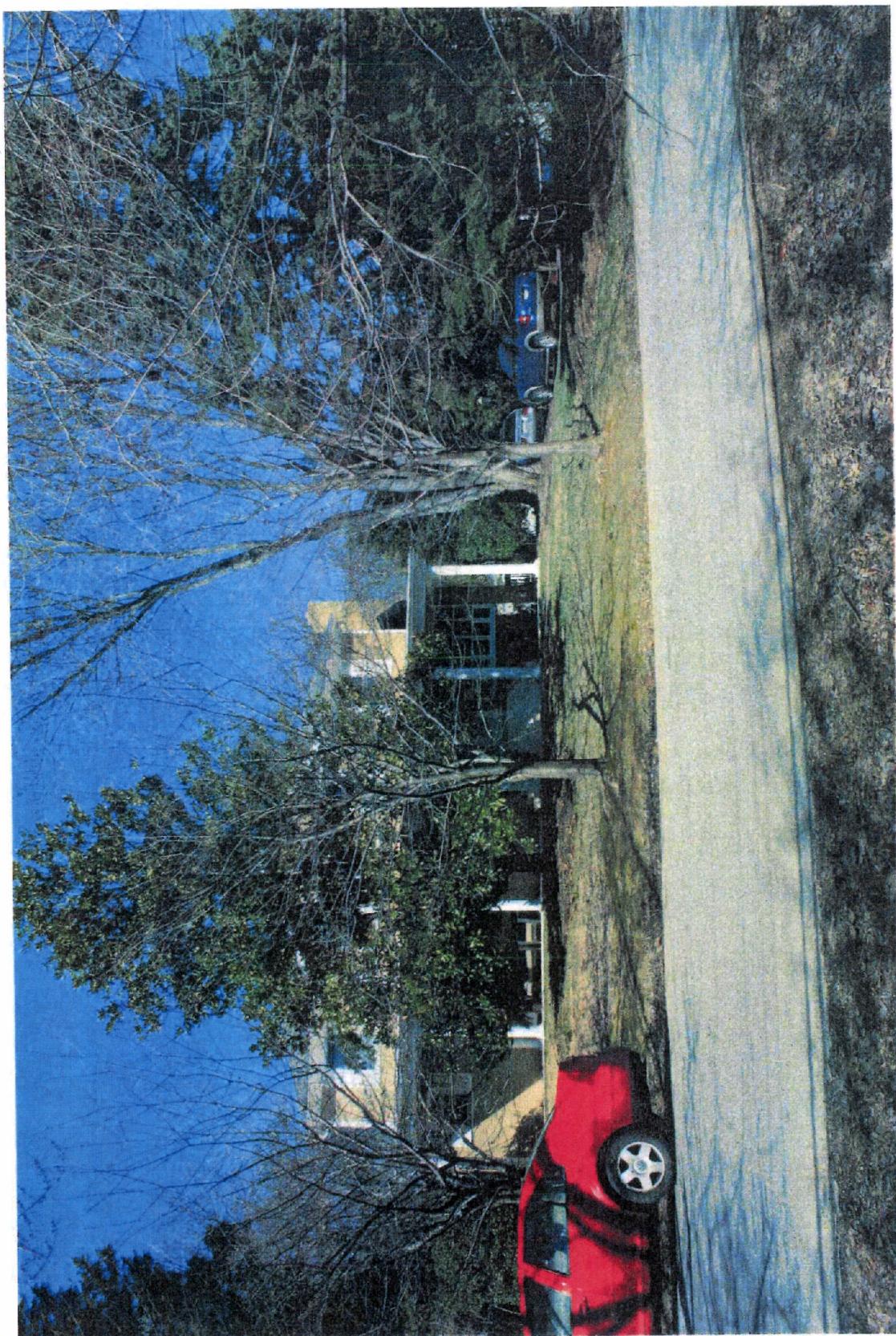
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Zoning Evaluation Division



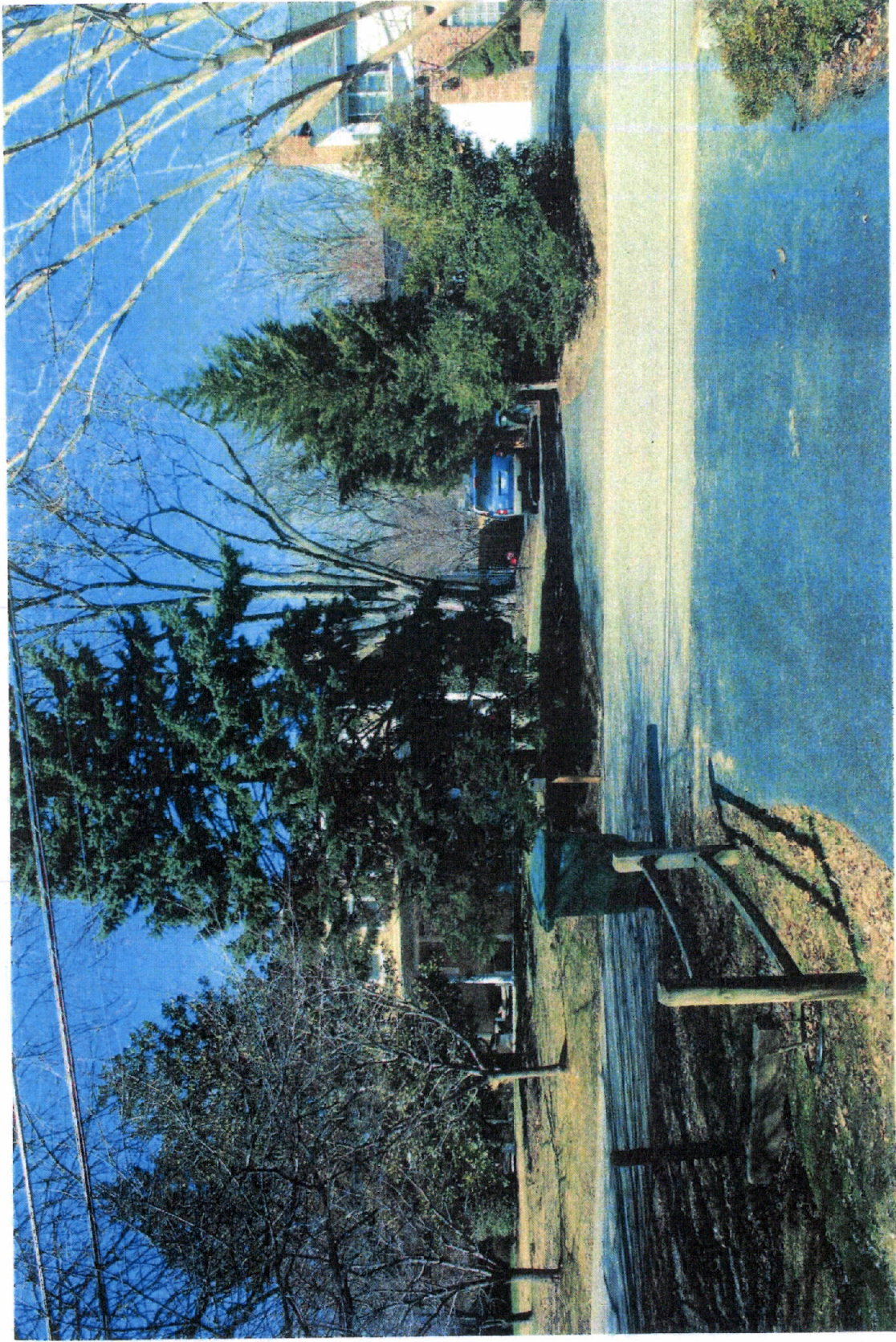
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Department of Planning & Zoning

AUG 13 2014

Zoning Evaluation Division



VIEW FACING 1638 IRVIN STREET (1636 IRVIN STREET IS TO THE RIGHT AND
1640 IRVIN STREET IS TO THE LEFT) WEST NW VIEW



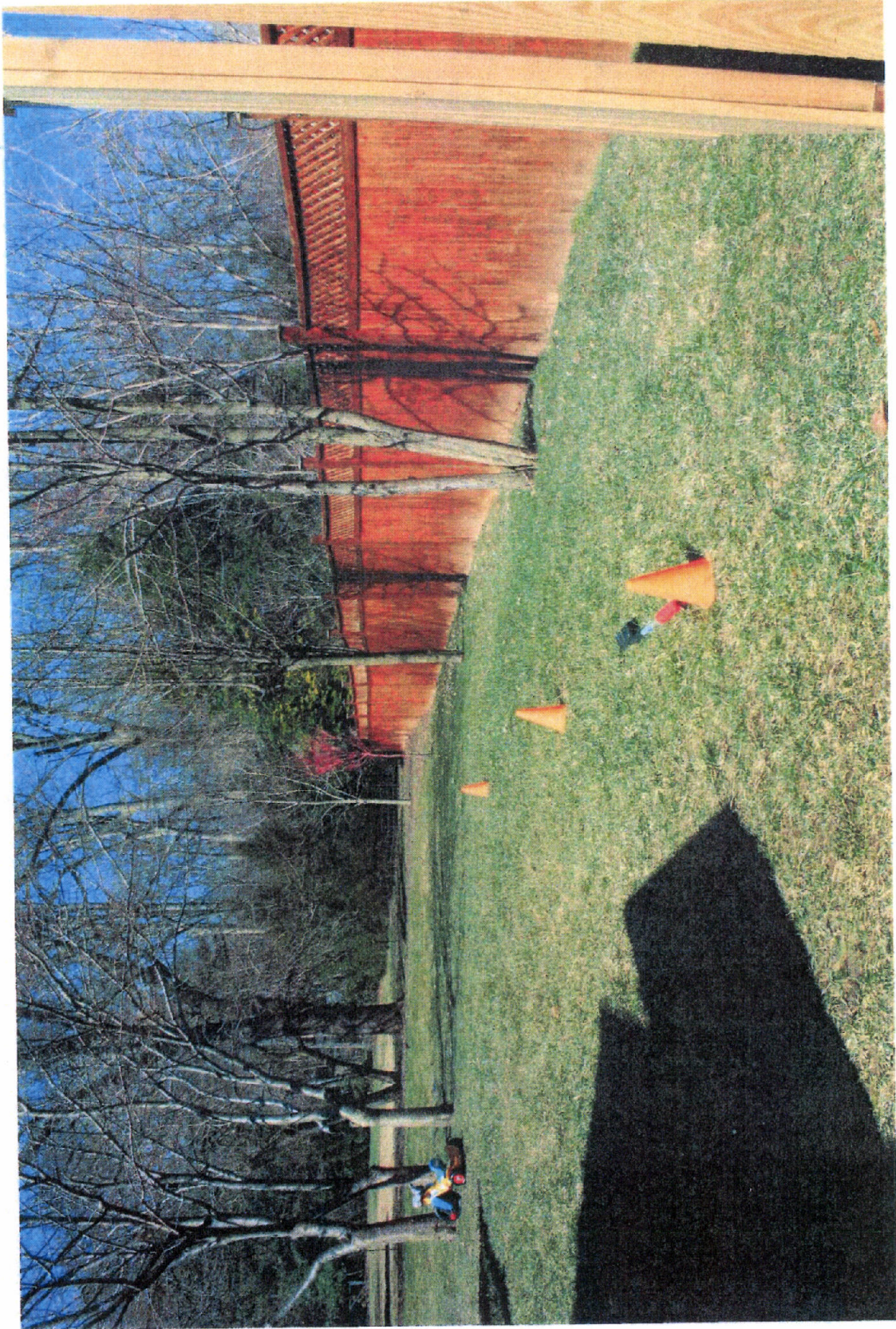
VIEW FACING 1638 IRVIN STREET (1636 IRVIN STREET IS TO THE RIGHT AND
1640 IRVIN STREET IS TO THE LEFT) WEST NW VIEW



THIS IS THE BACKYARD OF 1638 IRVIN STREET FACING IRVIN STREET. THE DECK TO THE CONES REPRESENTS THE AREA WHERE THE PROPOSED GARAGE IS TO BE LOCATED.



FACING THE DIRECTION OF 1640 IRVIN STREET FROM THE FENCE ADJACENT
TO 1636 IRVIN STREET. FACING SOUTH SW



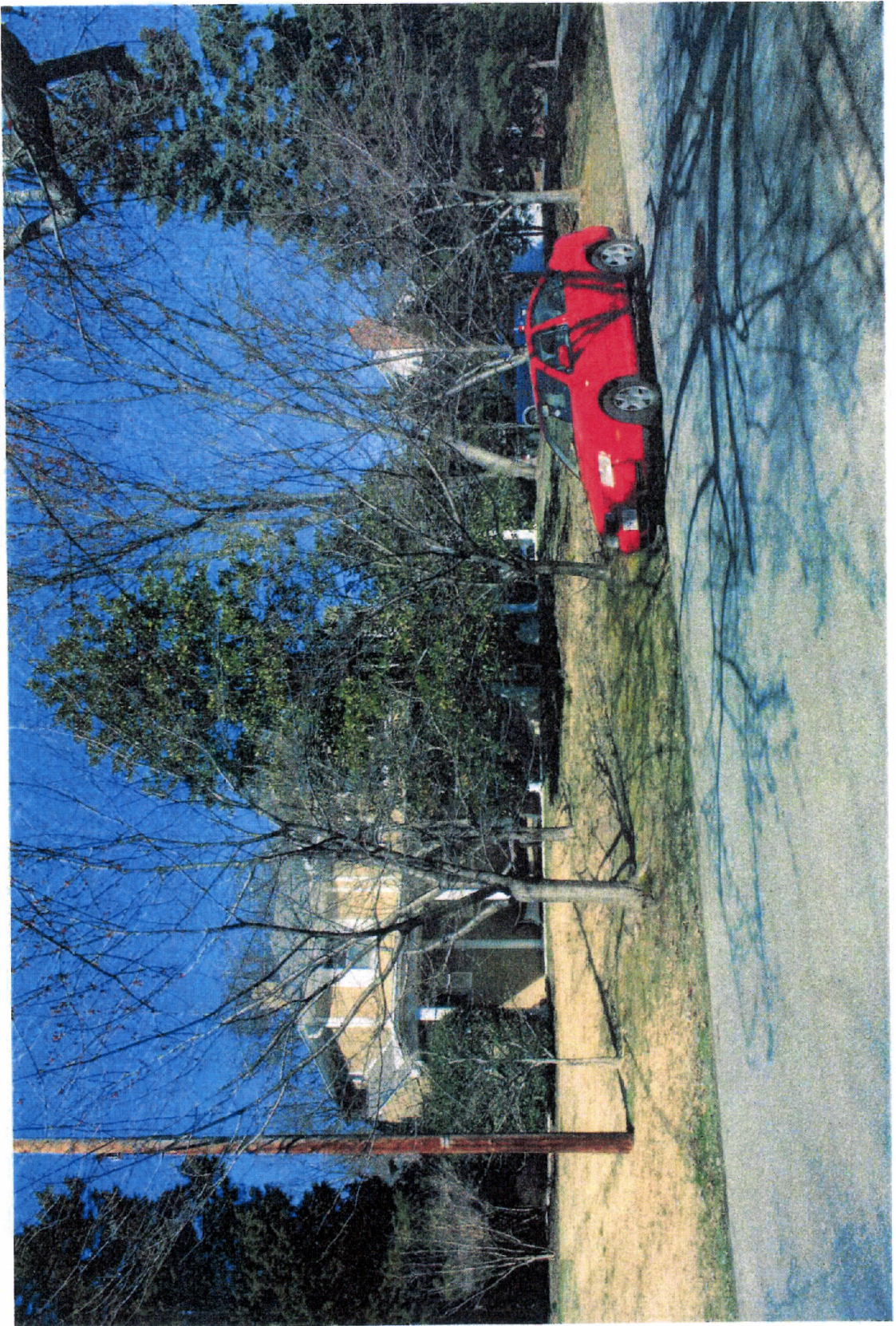
THIS IS THE VIEW FROM THE END OF THE DRIVEWAY AT 1638 IRVIN STREET
FACING WEST NW

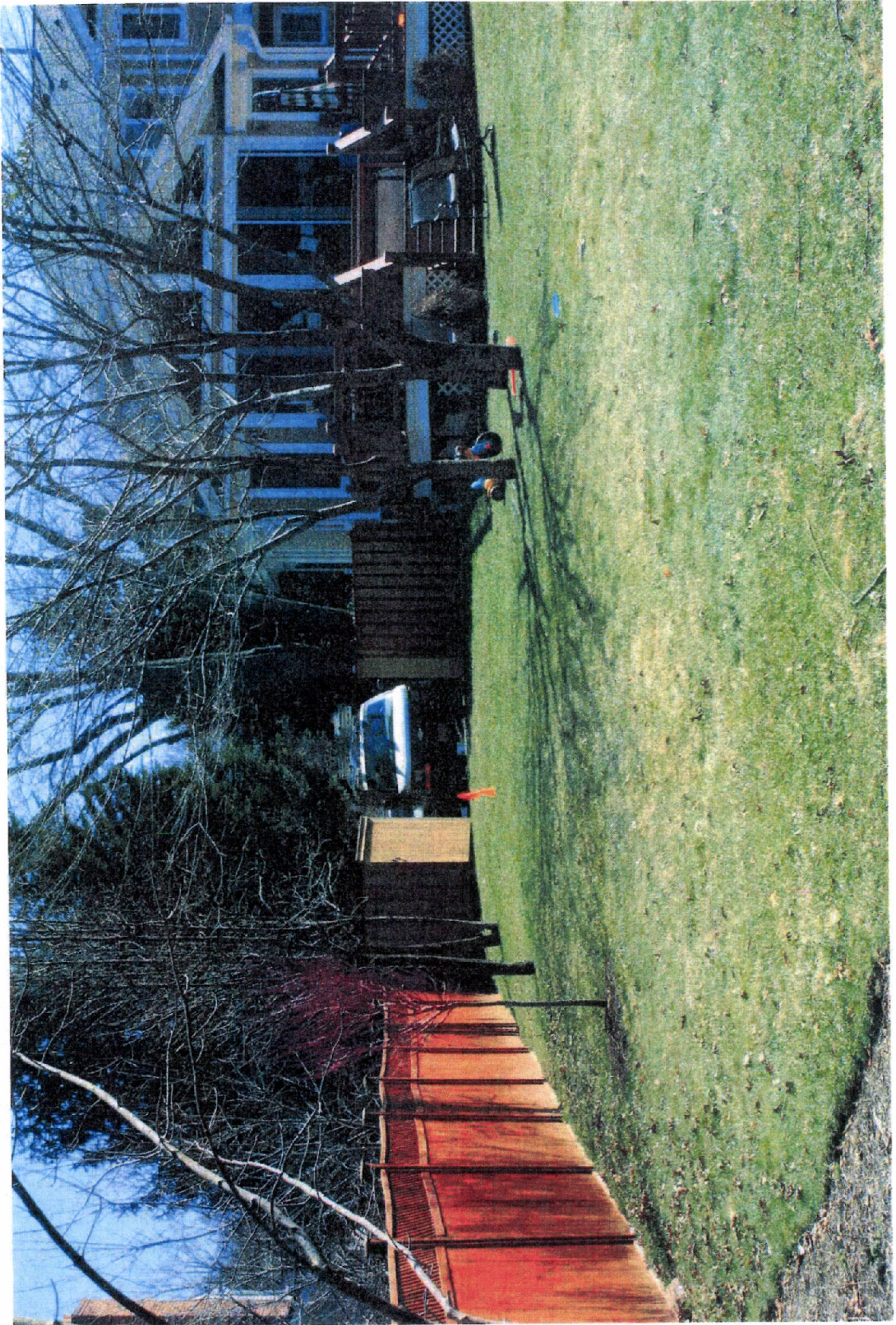


THIS IS THE VIEW FROM THE REAR LOT LINE AT 1638 IRVIN STREET FACING IRVIN STREET. CAMERA IS FACING EAST



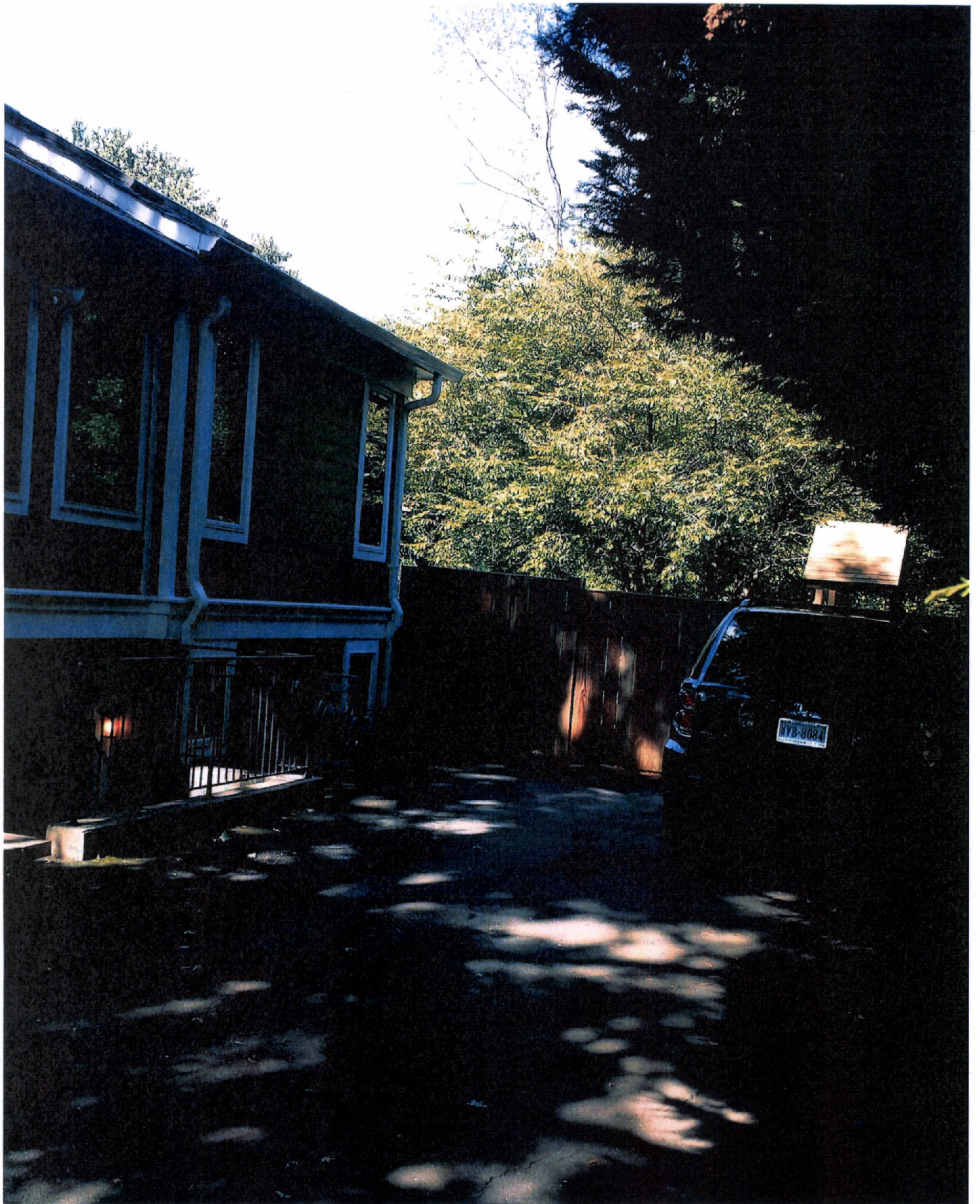
**VIEW FROM THE REAR YARD OF 1638 IRVIN STREET FACING REAR NEIGHBOR.
CAMERA IS FACING WEST SW**



















SPECIAL PERMIT REQUEST

The applicant requests approval of a Special Permit to allow a reduction of certain yard requirements to permit construction of a detached garage 10 feet from the side lot line. A more detailed description of the proposal is provided below under Description of the Application.

A reduced copy of the Special Permit Plat, titled "Special Permit Plat 1638 Irvin Street" prepared by Walter L. Phillips dated April 25, 2014, and revised on July 23, 2014, architectural drawings and photographs provided by the applicant are included at the front of this report.

LOCATION AND CHARACTER

The 21,781-square foot subject property is located on Irvin Street in the Ankerdale subdivision of Vienna. The property is zoned R-1. Surrounding properties are developed with single family detached dwellings and located with the R-1, R-2 or R-3 Districts.



Figure 1: Subject Property, Source: Fairfax County GIS, 2013 Imagery

According to the Department of Tax Administration, the two-story brick and siding dwelling consists of approximately 3,274 square feet. The dwelling includes a front porch and a rear deck and patio. An asphalt driveway is located along the right side of the lot. The sides of the lot are enclosed by a 6-foot high wooden fence. A wire fence, 4 feet in height, extends along the rear of the property line. The applicant has indicated that the fence along the right side lot line belongs to the adjacent property. A shed is located in the southwest corner of the property. The property is relatively flat and is landscaped with various trees and shrubs.

BACKGROUND

According to the Department of Tax Administration, the dwelling was originally constructed in 1958, and the lot size and width were in conformance with the Zoning Ordinance at that time. There have been no changes to the lot size and width; however, they do not meet current R-1 requirements. The dwelling is located 17 feet from the left side property line, where 20 feet is the minimum side yard. The dwelling has been remodeled several times with appropriate building permits and inspections, but not subject to any special permits or variances. The applicant purchased the property in 2013. No complaints have been filed with the Department of Code Compliance. The property is not subject to proffers or development conditions. Information outlining similar requests in the vicinity of the applicant's property is included in Appendix 4.

DESCRIPTION OF THE APPLICATION

The applicant requests approval to construct a 510-square foot detached garage, with 340 square feet on the first floor and 170 square feet on the second floor. The garage would be approximately 14 feet wide, 24 feet long and have a height of 23 feet. The upper level would be used for storage only, and will not be used for additional living space. Architecturally, the garage would be designed to match the dwelling. The garage would be located behind the dwelling, to the right of the existing deck, at the end of the driveway which would be extended by about 6 feet. The height of the dwelling is approximately 33 feet.

The proposed garage would be located 10 feet from the side property line. The minimum side yard for the R-1 district is 20 feet, so the applicant's request is for a 50 percent reduction.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, Vienna Planning District,
Spring Lake Community Planning Sector
Plan Map: Residential, 1-2 du/ac

Zoning Ordinance Requirements

The application must meet the standards of the following sections of the Zoning Ordinance, which are included in Appendix 5:

- Sect. 8-006, General Special Permit Standards
- Sect. 8-903, Group 9 Standards
- Sect. 8-922, Provisions for Reduction of Certain Yard Requirements

Sect. 8-006, General Special Permit Standards

The General Standards require the proposed use to be in harmony with the comprehensive plan and the general purpose and intent of the zoning district, not adversely affect the use or development of neighboring properties, not create hazardous pedestrian or vehicular traffic, be served by adequate facilities, and comply with Zoning Ordinance standards for landscaping, open space, parking and signage. In staff's opinion, the proposed reduction in the side yard requirement for the detached garage satisfies these standards.

Sect. 8-903, Group 9 Standards

The Standards for all Group 9 Uses address lot size and bulk regulations, performance standards and site plan requirements. The subject property meets the applicable performance standards. As noted above, the existing dwelling was constructed on the lot in 1958, and the property does not conform to the lot size and bulk regulations. The proposed garage is not subject to site plan review.

Sect. 8-922, Provisions for Reduction of Certain Yard Requirements

This special permit application for the reduction of the side yard requirement must satisfy all of the provisions contained in Sect. 8-922. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 4 relates to additions to an existing principal structure, which does not apply to this application. Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all the remaining standards, specifically Standards 5, 6, 7, 8 and 9.

Standard 5 requires the resulting gross floor area of an existing accessory structure and any addition to it to be subordinate in purpose, scale, use and intent to the principal structure on the site. The proposed detached garage is an appropriate size for the parking of one vehicle with additional storage space. The height of the proposed structure is 10 feet lower than the dwelling. Staff believes that the application meets this provision.

Standard 6 requires that the BZA determine that the proposed development will be in character with the existing on-site uses in terms of location, height, bulk and scale. The garage will be constructed at the end of the driveway, adjacent to the rear deck. The

architectural style will be designed to match the existing dwelling. Staff believes that the application meets this provision.

Standard 7 states that the BZA shall determine that the proposed development will be in character with the surrounding uses in terms of location, height, bulk and scale of surrounding structures, topography, vegetation and the preservation of significant trees. A variance was approved on August 13, 2002, for the adjacent dwelling to the north to permit a two-car garage to be located 6.8 feet from the property line. Other homes in the vicinity include a garage. A summary of similar cases in the vicinity is included in Appendix 4. In staff's opinion, the proposed garage is in character with the surrounding uses.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standard since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no downstream stormwater complaints on file. DPWES also noted that stormwater BMPs and an outfall analysis will not be required. As noted in the applicant's statement of justification, the proposed garage would block light and noise from the rear deck. Staff believes that the proposed garage will not significantly impact the use and/or enjoyment of any adjacent property.

Standard 9 requires the BZA to determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot, considering factors such as the layout of the existing structure, availability of alternate locations for the addition, orientation, shape of the lot, environmental characteristics, and the locations of well and/or septic fields, easements and historic resources. The size of the proposed one-car garage is not overly large, and it's logical placement is at the end of the driveway. Other issues of lot shape, orientation, well or septic fields, easements, and environmental and historic resources are not applicable to this site. Staff believes the application meets this provision.

Urban Forest Management Division Review

The Forest Conservation Branch review of the application (Appendix 6) identified the need for tree protection fencing along the driveway and around certain trees in the rear yard during construction. A proposed condition has been included to require this fencing. In addition, the review identifies that the callery pear tree along the property line and adjacent to the proposed garage is likely to be damaged during construction, and considering the invasive nature and overabundance of this species, it is recommended that this tree be removed and replaced with an evergreen tree or large shrub. A proposed condition has been included to address this issue.

CONCLUSION

Staff believes that the request for a reduction in the side yard requirement is in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed development conditions in Appendix 1.

RECOMMENDATION

Staff recommends approval of SP 2014-HM-183 for the reduction of certain yard requirements to permit the construction of a detached accessory structure, subject to the proposed conditions set forth in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Similar Case History
5. Applicable Zoning Ordinance Provisions
6. Forest Conservation Branch Review
7. Site Development and Inspections Division, DPWES Review

Proposed Development Conditions**SP 2014-HM-183****November 12, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-HM-183 located at 1638 Irvin Street, Tax Map 28-4 ((10)) 41, to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Permit is approved only for the detached accessory structure (garage) as shown on the plat titled "Special Permit Plat 1638 Irvin Street" prepared by Walter L. Phillips dated April 25, 2014, and revised on July 23, 2014, submitted with this application, and is not transferable to other land.
2. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
3. The architectural style and materials of the garage shall be compatible with the existing dwelling.
4. All individual trees to be preserved/conserved and all areas designated to be left undisturbed shall be protected by tree protection fencing as set forth below. Tree protection fencing shall consist of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart and shall be erected at the limits of clearing and grading. All tree protection fencing shall be installed prior to any grading or construction activity on the site.
5. The Callery pear (*Pyrus calleryana*) tree located between the proposed garage and the fence shall be removed and replaced with an evergreen tree such as American arborvitae (*Thuja occidentalis*) or Nellie Stevens' holly (*Ilex x Nellie Stevens*) within six months of completion of the proposed garage. The tree shall be planted in accordance with the Virginia Cooperative Extension Service, "Tree and Shrub Planting Guidelines," publication 530-295.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Zoning Appeals unless and until adopted by the Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction of the addition has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/25/2014
 (enter date affidavit is notarized)

I, Peter M. West, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ [X] applicant
 ☐ [] applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

125401

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Peter M. West Erin A. West	1638 Irvin Street Vienna, Virginia 22182	Married, Applicants and home owners of 1638 Irvin Street, Vienna, Virginia 22182
Walter L. Phillips, Incorporated	207 Park Avenue, Falls Church, Virginia 22046	Engineer

Agents:
 Monica R. Westgate

(check if applicable) ☐ [] There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

CATO

**** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).**

FORM SP/VC-1 Updated (7/1/06)

Application No. (s):

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/25/2014

(enter date affidavit is notarized)

125401

- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, VA 22046

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Jeffrey J. Stuchel
Brian G. Baillargeon
Aaron M. Vinson
Karen L. S. White

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/25/2014
(enter date affidavit is notarized)

125401

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☒ [x] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

(check if applicable) ☐ [] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/25/2014
(enter date affidavit is notarized)

125401

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 09/25/2014
(enter date affidavit is notarized)

125401

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

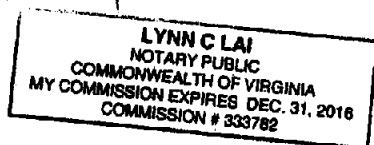
Peter M. West Homeowner

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 25 day of September, 2014, in the State/Comm. of Virginia, County/City of Fairfax.

Notary Public

My commission expires: Dec 31, 2016



APPENDIX 3

RECEIVED
Department of Planning & Zoning

AUG 13 2014

Zoning Evaluation Division

County of Fairfax
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Statement of Justification

This statement is respectfully submitted to justify the need for a special permit which will enable the homeowner to develop a detached garage with a one-story addition above the garage, located at their home address of 1638 Irvin Street Vienna, VA 22182. This is a single family detached home, Zoned R-1 that was built in 1956. The house has neighbors on both sides (1636-1640) Irvin Street), across the street (1639 Irving Street) and to the rear of the property. The house has a side yard setback of 20 feet. The addition of the garage at the end of the driveway will require ten feet, of the 20-foot side yard setback requirements. To do this we request a 50% reduction in the side yard requirement. The use and justification for this reduction are listed below.

1. It is a single-family dwelling and will be used by the homeowner and their family. There will be no commercial use for this structure.
2. The garage addition will be constructed in harmony with the existing house and the surrounding neighborhood. The addition will be constructed of the same materials as the house i.e. siding, trim, paint, shingle, windows, etc. The addition has been architecturally designed to match the existing house. The garage will be a two-story structure with additional storage space on the upper level. At no time will the upper level be used for additional living space.
3. The additional floor area added to the existing houses only 12% and clearly subordinate in purpose, scale, use and intent to the principle structure.
4. The character of the addition will be in keeping with the existing deck and house.

5. The garage addition does not protrude towards any roadways, common areas, and is harmonious with the neighborhood. The existing buffer area between the proposed location for the garage is mature and will be undisturbed. Removal of vegetation will not be necessary for this project and will be left in its present condition.
6. The proposed garage addition is several hundred feet from our rear neighbor's house and will be out of view from our rear neighbor.
7. We have ten mature Leyland Cypress trees approximately 30" in height buffering our house from our neighbor along the lot line of 1640 Irvin Street. None of the existing trees or plants will be disturbed as a result of this addition.
8. The existing drainage will not change. Less than 470 square feet of area will be disturbed during construction.
9. The garage will house, in addition to our vehicles, multiple children's bicycles, wagons, and related toys that are currently stored, day and night in our driveway and front porch areas. The garage addition will provide "instant beautification" in the neighborhood by reducing the need to store these items on the front porch.
10. The reduction requested is the minimum amount needed to construct a garage with a one-story addition that will be used only for additional storage space. The present situation with no garage provides multiple challenges for storage and parking, especially with a growing family.
11. The neighborhood added approximately 20 new homes in 2004-2007, with the first home in each new development built approximately 250 feet away on newly developed streets at the end of Irvin Street. The extension of Irvin Street added ten new homes, 1632 to 1622 Irvin Street. Each new home was built with a three to four car garage. New homes were built on Ashgrove Meadows Way: each home was built with a minimum of a two-car garage.
12. The garage will shield the rear deck of our home from the view of other neighbors, which should cause a reduction in noise (children play) and light (rear deck and house lighting). The addition of the detached garage

should not impact noise, light or other factors for the adjacent property owners.

13. I have personally spoken and shared the plans with all of the surrounding neighbors and have received their support with this project. All surrounding neighbors are will to provide letter to support to the County if needed.
14. This statement is to assure interested parties that our reason to obtain the Special Permit is that we wish to comply with the provision of all applicable ordinances, regulations, and adopted standards for the above property.
15. This statement is to assure interested parties that the homeowners have no knowledge of any hazardous or toxic substances being generated, utilized, stored, treated, and /or disposed of at 1638 Irvin Street, Vienna, VA 22182

Respectfully submitted by

Pete West
Homeowner of 1638 Irvin Street

Similar Case History

Group: 83-C -110

VC 83-C -110

APPLICANT: LESLIE E. & FLORIS D. BOWMAN
STATUS: APPLICATION APPROVED
STATUS/DECISION 09/27/1983
DTE: R- 1
ZONING DISTRICT:
DESCRIPTION: TO ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 8.7 FT. FROM SIDE LOT LINE (20 FT. MIN. SIDE YARD REQ.)
LOCATION: 8909 HIGDON DRIVE
TAX MAP #S:
0284 10 0032

Group: 83-C -211

VC 83-C -211

APPLICANT: WITHEROW, ROBERT E & DEBRA ANN RODGERS
STATUS: APPLICATION APPROVED
STATUS/DECISION 03/27/1984
DTE: R- 1
ZONING DISTRICT:
DESCRIPTION: GARAGE ADDITION TO DWELLING TO 8 FEET FROM SIDE LOT LINE (20 FEET REQUIRED)
LOCATION: 1644 IRVIN ST
TAX MAP #S:
0284 10 0038

Group: 86-C -046

VC 86-C -046

APPLICANT: RODGER THOMAS MELCHIORI
STATUS: APPLICATION APPROVED
STATUS/DECISION 07/29/1986
DTE: R- 1
ZONING DISTRICT:
DESCRIPTION: TO ALLOW CONSTRUCTION OF GARAGE ADDITION TO DWELLING TO 10.2 FEET FROM SIDE LOT LINE (20 FT. MIN. REQUIRED)
LOCATION: 1642 IRVIN STREET
TAX MAP #S:
0284 10 0039

Group: 86-C -123

VC 86-C -123

APPLICANT: BUYS, CLIFFORD R.
STATUS: APPLICATION APPROVED
STATUS/DECISION 03/11/1987
DTE: R- 1
ZONING DISTRICT:

DESCRIPTION: TO ALLOW CONSTRUCTION OF A GARAGE ADDITION TO DWELLING 11 FEET FROM SIDE LOT LINE (20 FT. MIN. REQUIRED)
LOCATION: 1709 IRVIN STREET
TAX MAP #S:
0284 10 0005

Group: 98-H -117**VC 98-H -117**

APPLICANT: GEORGE, SCOTT S. & MARTHA
STATUS: APPLICATION APPROVED
STATUS/DECISION 01/06/1999
DTE: R- 1
ZONING DISTRICT:
DESCRIPTION: PERMIT REDUCTION IN LOT WIDTH, LOT AREA AND PERMIT AN ACCESSORY STRUCTURE IN THE FRONT YARD ON A LOT CONTAINING LESS THAN 36,000 SQ. FT.
LOCATION: 1636 IRVIN STREET
TAX MAP #S:
0284 10 0042

VCA 98-H -117

APPLICANT: SCOTT S & MARTHA GEORGE
STATUS: APPLICATION APPROVED
STATUS/DECISION 08/13/2002
DTE: R- 1
ZONING DISTRICT:
DESCRIPTION: TO PERMIT CONSTRUCTION OF ADDITION 6.8 FT. FROM SIDE LOT LINE AND ACCESSORY STRUCTURE TO REMAIN IN FRONT YARD OF A LOT CONTAINING 36,000 SQ. FT. OR LESS
LOCATION: 1636 IRVIN STREET
TAX MAP #S:
0284 10 0042

Group: 2008-HM-015**SP 2008-HM-015****STAFF REPORT**

APPLICANT: SABRI ERIKSEN
STATUS: APPLICATION APPROVED
STATUS/DECISION 07/15/2008
DTE: R- 3
ZONING DISTRICT:
DESCRIPTION: TO PERMIT REDUCTIONS TO MINIMUM YARD REQUIREMENTS BASED ON ERRORS IN BUILDING LOCATIONS TO PERMIT ROOFED DECK TO REMAIN 10.1 FT. FROM A SIDE LOT LINE AND ADDITION TO REMAIN 8.8 FEET FROM OTHER SIDE LOT LINE AND TO PERMIT REDUCTION OF CERTAIN YARD AND 20.0 FT. FROM FRONT LOT LINE
LOCATION: 8816 SKOKIE LANE
TAX MAP #S:
0284 13 0039

ZONING ORDINANCE PROVISIONS

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards for all Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412

by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.
3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. The resulting gross floor area of any subsequent addition is limited to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion request, regardless of whether such addition complies with the minimum yard requirements or is the subject of a subsequent yard reduction special permit. If a portion of a single family detached dwelling is to be removed, no more than fifty (50) percent of the gross floor area of the existing dwelling at the time of the first yard reduction shall be removed. Notwithstanding the definition of gross floor area, as set forth in this Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the

structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.



County of Fairfax, Virginia

MEMORANDUM

DATE: September 11, 2014

TO: Carmen Bishop, Planner II
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II *HUW*
Forest Conservation Branch, DPWES

SUBJECT: Ankerdale Section 2, Lot 41, SP 2014-HM-183

I have reviewed the above referenced Special Permit application including a Statement of Justification and a Special Permit Plat of the subject property, stamped as received by the Zoning Evaluation Division on August 13, 2014. The following comments and recommendations are based on this review, and a site visit conducted on September 9, 2014.

1. **Comment:** One large silver maple, a white spruce and several Leyland cypresses exist along the driveway and leading to the backyard. This driveway will likely serve as the access for the proposed construction. The above and below ground parts of the trees should be protected during construction of the garage.

Recommendations: Require tree protection fence installation along both sides of the driveway to protect the root zone and trunks of trees. Tree protection fence should be 4-ft. high orange plastic fencing attached to 6-ft. steel post driven 18 inches into the ground and spaced no farther than six feet apart, or 4-ft. high 14-gauge welded wire attached to 6-ft. steel post driven 18 inches into the ground and space no farther than 10 feet apart. See attached detail.

2. **Comment:** Two callery pear trees exist along the northern property fence close to the location of the proposed construction. While these trees currently appear to be in good condition, the tree closest to the proposed garage is likely to be damaged during construction. Callery pear (*Pyrus calleryana*) is an invasive species and is over abundant in Fairfax County. An evergreen tree or large shrub should be provided in the reduced side yard adjacent to the garage to increase buffering capacity

Recommendation: Remove the pear between the proposed garage and the fence, as this tree is most likely to incur impacts from construction and will likely make the construction process more difficult. To provide a buffer within the reduced side yard, this tree should be replaced with an evergreen tree such as American arborvitae (*Thuja occidentalis*) or Nellie Stevens' holly (*Ilex x Nellie Stevens*).

Department of Public Works and Environmental Services

Urban Forest Management Division

12055 Government Center Parkway, Suite 518

Fairfax, Virginia 22035-5503

Phone 703-324-1770, TTY: 711, Fax: 703-653-9550

www.fairfaxcounty.gov/dpwes



Ankerdale Section 2 Lot 41
SP 2014-HM-183
September 11, 2014
Page 2 of 2

3. **Comment:** Three cherry trees and the second celery pear exist west of the proposed construction. Tree protection fencing should be installed to prevent damage to the root zones and trunks of these trees, and prevent stockpiling of materials within root zones.

Recommendation: Require installation of tree protection fencing as recommended in #1 above. Tree protection fence should be placed no less than 10 feet from the trunks of these trees.

If there are any questions or further assistance is desired, please contact me at (703)324-1770.

HCW/
UFMDID #: 195440

cc: DPZ File

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720, TTY: 703-324-1877, Fax: 703-324-8359
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

DATE: September 22, 2014

TO: Carmen Bishop
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Abby Movahed, Senior Engineer III
Site Development and Inspections Division
Department of Public Works and Environmental Services

SUBJECT: Application #SP 2014-HM-183, Lot 41, 1638 Irvin Street, Vienna, VA 22182,
Tax Map #0284 10 0041, Hunter Mill District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area (RPA) on this site.

Floodplain

There is no floodplain on this site.

Downstream Drainage Complaints

No complaint

Stormwater Detention

BMP is not required.

Site Outfall

Outfall analysis is not required.

Department of Public Works and Environmental Services
Land Development Services, Site Development and Inspections Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359



9/22/14

Page 2 of 2

Stormwater Planning Comments

Not applicable

Dam Breach

Not applicable

Miscellaneous

These comments are based on the 2011 version of the Public Facilities Manual (PFM) and, Chapter 124 of the County code.

Please contact me at 703-324-1693, if you have any questions or require additional information.

CML/

cc: Shahab Baig, Chief, North Branch, SDID, DPWES
Zoning Application File